

MORNING APPEAL

WEDNESDAY.....FEBRUARY 26, 1879

NEVADA LEGISLATURE—NINTH SESSION.

Senate—Fifty-first Day.

CARSON CITY, February 25, 1879.

The Senate convened at 10:30 o'clock with the President in the Chair. Quorum present. Prayer by Rev. Mr. Davis. Minutes of previous day read and approved.

PETITIONS.

By McConnell—from 174 citizens of Winnemucca and signed by both Democratic and Republican Central Committees, asking the Humboldt Delegation to stand solid on the Lewis and Woodburn bills for regulating freights and fares in this State.

REPORTS OF COMMITTEES.

By Martin, from Committee on Engraving—Have found several bills so ordered correctly engraved.

By Stone, from Committee on Elections—Favorably on Senate bills 26, 52 and 94 with amendments; also, favorably on Assembly bill 29, with amendments.

By Wheeler, from Committee on Public Morals—Favorably with amendments, Assembly bill 73.

By Stewart, from Committee on Education—Favorably on Assembly bill 105, in relation to special taxes.

By Comins, from Committee on Ways and Means—Unfavorably on Assembly bill 1, to provide for care of the insane; also, unfavorably on Assembly bill 96, to amend the revenue law; also, favorably on Assembly bill 90, to amend the revenue law; also, an Act to regulate fees and compensation in the State without recommendation; also, without recommendation, an Act to create an asylum for the indigent poor; also, favorably on Act to provide copies of State officers' reports; also, favorably from majority of Committee on Senate bill 128, relative to litigation touching inequitable claims for taxes.

By Shepherd, from Committee on Agriculture—Favorably on bill to provide against killing or branding of cattle running at large.

MESSAGE FROM THE GOVERNOR.

Announcing his approval of Senate bill 10, to authorize the construction of a court house in Eureka; also, of Senate bill 86, to pay certain Legislative expenses.

MOTIONS AND RESOLUTIONS.

By Cassidy, for relief of Miss Hodgkinson, \$90 for extra per diem during the session.

Mr. Comins opposed the resolution as establishing a bad precedent, and thought the Board of Directors ought to pay this out of the general appropriation.

Mr. Cresswell wanted to be gallant enough to pay the young lady, but thought that \$125 per month a handsome salary.

Mr. Cassidy stated that it was a matter of history that \$150 per month had always been paid to the custodian of the library until the employment of the present incumbent. He thought the resolution ought to pass.

Mr. Meder opposed the resolution as the old story of every employe of the State wanting to be paid for every extra service.

Mr. Doolin and Mr. Boardman hoped it would pass as a matter of justice.

Ayes and noes called. Lost. Ayes 11, noes 12.

By Cassidy, that the Controller draw his warrant in favor of Mr. Gallagher for \$103, for expenses incurred in contesting the seat of Mr. Garrard in this Senate. A similar resolution was passed two years ago, but the Controller refused to draw his warrant. Adopted.

By Boardman, for the relief of L. D. Wright for services as Secretary of the Committee of Fourteen to the amount of \$100. Motion to lay on the table lost.

Mr. Boardman advocated the passage of the resolution in an earnest manner, and paid to Mr. Wright a high and well-deserved compliment for his faithfulness and ability in the discharge of his duties, as did also Mr. Blair. Motion to indefinitely postpone lost. Ayes 6, noes 17.

Mr. McConnell moved to amend by making the amount \$50. Lost.

Mr. Farrell moved to amend by making the amount \$75. Amendment accepted and resolution adopted.

By Mr. Cassidy, that the Board of Directors of the State Library be authorized to pay the Librarian what was fair compensation for extra services.

Mr. Comins rose to a point of order that we have no right to instruct State officers.

Mr. Stewart desired to have the library kept open on Sundays during the rest of the session.

Mr. Cassidy became responsible for the fulfillment of his request.

Resolution was lost.

Recessed for one hour.

AFTERNOON SESSION.

Reconvened at 1 P. M., the President in the Chair.

On motion of Meder the Senate Joint Memorial to Congress asking Congress to appropriate for the building of a U. S. Court-house and postoffice was taken up and passed.

Mr. Stewart returned Assembly Concurrent Resolution 18 without recommendation from Committee on Education.

By Gibson, that Senate bill 25 be referred Committee of the Whole. Adopted.

MESSAGES FROM ASSEMBLY.

Asking that Assembly bill 54 be returned for correction. So ordered. Also transmitting several bills upon which action had been taken and reported.

NOTICES OF BILLS.

By Comins—To amend the Revenue Act.

BILLS INTRODUCED.

By Stewart (without notice)—To repeal section 3 of Act relative to taxation of small mines and to encourage mining. [For the benefit of those whose mines yield less than one ton of ore per day, and has no reference to the general bullion tax.] Referred to Committee on Mines and Mining.

By Powning (without notice)—To compel railroad companies to deliver freight to consignees without extra charge. Referred to Committee on Railroads and ordered printed.

By Powning—An Act concerning the insane of this State. [Provides for the appropriation of \$5,000 for the purpose of cultivating land.] Referred to Committee of the Whole.

By Gibson—To amend section 75 of an Act to regulate proceedings in civil cases.

By Dayton—To amend the Act relative to public schools. Referred to Committee on Ways and Means and ordered printed.

By Boardman—An Act relating to railroads having termini in this State. Ordered printed.

Mr. Cresswell presented (out of order) a remonstrance from citizens of Nye County asking not to be annexed to White Pine County.

Harlow's Assembly bill 57, to establish a State printing office and create the office of State Superintendent of printing. Referred to Committee on Printing.

GENERAL FILE.

Substitute for Senate bill 82, to regulate the salaries of county officers. Passed. Ayes 18, noes 5.

Stewart's Senate bill 115, to amend the Act to create a Board of County Commissioners. Passed. Ayes 16, noes 7.

Boardman's Senate bill 127, to amend the Act relative to public highways. [Provides that on petition of 24 citizens any street, alley or road may be opened, closed or changed by the Board of County Commissioners. Lost. Ayes 9, noes 11.

Mr. Boardman gave notice that on tomorrow he would move a reconsideration of the vote just taken.

Comins' Senate bill 131—To create a current expense fund for White Pine County. Re-referred to White Pine delegation.

Lane's Assembly bill 2—To amend the Act to secure liens to mechanics. [Gives woodcutters a lien on wood for work.] Passed unanimously.

Smith's (of Storey) Assembly bill 1—To provide for the care of the insane of the State. [Provides for building an asylum on the State ground at Reno.]

On motion of Powning laid on the table.

Paton's Assembly bill 8—To secure liens to mechanics and others. Lost.

Lyon's (of Storey) Assembly bill 40—To amend the Act to regulate proceedings in civil cases. Lost—yes, 4; noes, 17.

Prisk's Assembly bill—To amend the Civil Practice Act. Lost.

Haines' Senate bill 108—To create a Board of County Commissioners. Placed at bottom of file.

Gibson's Assembly bill 52—To amend the Act to incorporate Carson City. Passed.

Mayhugh's Assembly bill—For payment of expenses of funeral of Hon. R. L. Wash. Referred to Committee of the Whole.

Mayhugh's Assembly bill—To prevent breaches of the peace and to make words actionable. Indefinitely postponed.

Haines' Senate bill—For relief of B. F. Wallace. Referred to Committee of the Whole.

Powning's Senate bill—To amend the Act relative to crimes and punishments. Refused engraving.

Perley's Senate bill 66—To restrict charges on railroads wholly or in part in this State. Ordered engraved.

Boardman's Assembly bill 18—To regulate fares and freights on railroads. Refused engraving.

Boardman's Senate bill 27—To provide for the incorporation of railroads. Refused engraving.

Cassidy's Senate bill 90—To establish a silver basis in this State. Passed—yes, 13; noes, 10.

Stone gave notice of a motion to reconsider the vote on this bill.

Cassidy asked leave to introduce two bills, out of order. Granted—To provide for recording all contracts entered into by the State with any parties. Placed on general file.

By Cassidy—To provide for payment of claims of certain counties of this State. Referred to Committee on Claims.

By Comins (by leave)—To amend the Revenue Act. Referred to Committee on Ways and Means and ordered printed.

Gaston's Assembly bill 19—To amend the Act relative to incorporation of railroads in this State by affixing penalties for non-compliance with the Act requiring annual reports. Passed by the following vote:

Yea—Blair, Boardman, Cassidy, Cresswell, Doolin, Farrell, Gallagher, Gibson, Kaiser, King, McConnell, Meder, Perley, Powning, Schultz, Shepherd, Stewart, Stone, Thompson, Westerfield—20. Nay—Comins, Dayton—2.

Adjourned at 4 P. M.

Assembly—Fifty-first Day.

Convened at 10:30 A. M. Speaker Gaston in the chair. Prayer by Rev. Mr. Weir. Leave of absence granted Messrs. Wermuth and Watt.

PETITIONS.

By Smith, from 200 citizens of Lyon county, asking the passage of the Lewis and the Woodburn bills to regulate fares and freights. Laid on the table.

REPORTS OF COMMITTEES.

By Powell, from Committee on Trades and Manufactures, favorably Senate bill relative to apprentices.

By Ferguson, from Committee on Public Morals, favorably on Assembly bill 107, to amend the Revenue Act.

By Allen of Lincoln, from joint Committee of Fourteen, a majority report, without recommendation, the Gaston and Fisk bills, and unfavorably the Woodburn bill, signed by Senators Thompson, Comins, King, Doolin and Gallagher, and Assemblymen Allen, of Lincoln, Plummer, Lane, Davies and Van Sickle.

Also a report from the minority of said Committee, signed by Senators Boardman and Kaiser and Assemblyman Williams, recommending the passage of the Woodburn bill.

Allen moved the adoption of the majority report.

Melarker favored the minority report.

Mayhugh moved to make the consideration of the report the special order for 1 o'clock. Lost.

Hanna moved to lay the majority report on the table. Lost. Ayes 18, noes 28, as follows:

Yea—Beard, Fisk, Foulks, Fraser, Ferguson, Green, Hanna, Harlow, Lyons of Storey, Lyon of White Pine, Mayhugh, Melarker, Morrison, Price, Shakespeare, Smyth of Lander, Williams, Mr. Speaker—18.

Nays—Allen of Lincoln, Allen of Storey, Andrews, Crawford, Eldred, Flannery, Fulton, Gibson, Hagar, Howe, Irvine, Kennedy, Lamb, Lane, Lawson, Paton, Plummer, Powell, Price, Prisk, Robinson, Shakespeare, Sharp, Smith of Eureka, Smith of Lyon, Smith of Storey, Taylor, Underwood, Vansickle, Wilson—28.

Fiske moved to lay the whole matter on the table. Lost.

Williams moved the adoption of the minority report. Lost. Ayes 16, noes 30, as follows:

Yea—Beard, Fisk, Foulks, Fraser, Ferguson, Green, Hanna, Harlow, Lyons of Storey, Lyon of White Pine, Mayhugh, Melarker, Morrison, Smyth of Lander, Williams, Mr. Speaker—16.

Nays—Allen of Lincoln, Allen of Storey, Andrews, Crawford, Eldred, Flannery, Fulton, Gibson, Hagar, Howe, Irvine, Kennedy, Lamb, Lane, Lawson, Paton, Plummer, Price, Prisk, Robinson, Shakespeare, Sharp, Smith of Eureka, Smith of Lyon, Smith of Storey, Taylor, Underwood, Vansickle, Wilson—30.

Allen's motion then prevailed, ayes 29 noes 17, as follows:

Yea—Allen of Lincoln, Allen of Storey, Andrews, Crawford, Eldred, Flannery, Fulton, Gibson, Hagar, Howe, Irvine, Kennedy, Lamb, Lane, Lawson, Paton, Plummer, Price, Prisk, Robinson, Shakespeare, Sharp, Smith of Eureka, Smith of Lyon, Smith of Storey, Taylor, Underwood, Vansickle, Wilson—29.

Nays—Beard, Fisk, Foulks, Fraser, Ferguson, Green, Hanna, Harlow, Lyons of Storey, Lyon of White Pine, Mayhugh, Melarker, Morrison, Powell, Smyth of Lander, Williams, Mr. Speaker—17.

MOTIONS AND RESOLUTIONS.

By Hanna—That the Lewis bill to regulate inter-State railroads be made special order for 1:30 P. M. Carried.

By Green—That as the Grand Jury of Elko county had concluded that but one-tenth of the people including farmers and railroad magnates are opposed to any reduction of fares and freights, the other nine-tenths have no rights which the Legislature is bound to respect, and that the late political platforms respecting the matter, were nothing but clap-trap and buncombe and not worth consideration.

On motion of Mayhugh referred to Elko delegation.

By Hagar—To tender the use of the Assembly Chamber this evening for the purpose of lecturing upon the subject of freights and fares, to Hon. S. T. Gage. Adopted.

NOTICES OF BILLS.

By Taylor—Of Act regulating freights and fares on State railroads.

BILLS INTRODUCED.

By Lyon, of Storey—An Act regulating State railroads. [Fixes rates as follows: 6 cents per mile for adult passengers, one-half that for children, and 10 cents per mile for freight.] Referred to Committee of the Whole.

By Plummer—To amend the Civil Practice Act. [Gives the District Judge the right to dismiss a jury in certain cases.] Referred to Judiciary Committee.

By Mayhugh—To authorize Boards of County Commissioners to audit and allow fees to sheriffs and constables in certain cases. Referred to Judiciary Committee.

Recessed for one hour.

AFTERNOON SESSION.

Reconvened at 1 P. M., President in the chair.

By Morrison from citizens of Humboldt County asking that legislative members, particularly those from that county, keep their pledges in regard to railroad legislation.

REPORTS OF COMMITTEES.

By Allen, from Judiciary Committee, recommending that Senate bill 4, to amend the lien law, be laid temporarily on the table; also, favorably on Senate bill 97, to amend

the Homestead Act; also, without recommendation, Senate bill 70, relative to pawn brokers; also, without recommendation, Assembly bill 119, to admit to probate the will of A. Benedict; also, favorably Senate bill 92, amending the Act relating to crimes and punishments; also, favorably on Senate bill to provide for the detection of incendiaries; also, favorably bill 118, to amend the Act relative to crimes and punishments.

The hour for special order having arrived, the consideration of Assembly bill 120 (the Lewis bill) was taken up.

Several amendments were offered and motions made to defer action, one being for the purpose of hearing S. T. Gage to-night, all of which were defeated.

Speaker Gaston, Lyon of Storey, and Foulks made arguments in favor of the bill.

Lane moved the previous question.

Harlow asked him to withdraw his motion that he might offer an amendment.

Lane said that on condition that no more buncombe should be indulged in he would withdraw his motion.

Harlow said he did not intend to discuss the merits of the bill, but desired to amend it. He proposed to fix the rate at four cents per ton per mile.

Ayes and noes were called, the result at first being a tie, when several members changed their votes and the amendment was declared carried.

The bill was then placed on its final passage and received a unanimous vote.

Adjourned at 3:50.

THE ACTION OF THE HOUSE ON THE WOODBURN BILL.

Yesterday by a very decided vote the House of Assembly killed the Woodburn Bill, as that measure came from the hands of its author and sanctioned by the Virginia City Committee of Twenty-three. If the full Storey delegation in that branch of the Legislature had complied with the earnestly expressed wish of a large majority of their constituents, the result would have been quite the reverse.

It is evident that the Legislature will not pass any bill of the nature of this which has thus been so summarily disposed of.

We understand that it is the purpose of certain Senators to present a bill to the House of which they are members, fixing the maximum rates of freight at ten cents per mile per ton and cutting out everything like discrimination either with regard to commodities or ores. So liberal a bill as this ought surely to pass.

THE HYERS' SISTERS COMBINATION.

An immense audience greeted the Hyers Sisters Combination last night at the Opera House. The performance surpassed the highest expectations of the assemblage, both in point of the vivacity of the plays and the superiority of the singing. The quartette richly deserves its wide-spread reputation. The Hyers Sisters certainly have most charming voices, possessing great range and volume. The plantation melodies are as rich in tone and in harmony of chorus as anything done by the Jubilee Singers. Billy Kersands is immensely funny, and his dancing is, in some respects, without a parallel. We were glad to note last night that the box-sheet is filling up; for this is a performance which none of our friends should miss. This is the last night of this admirable troupe in Carson. They go hence to Virginia City. A rich treat is in store for the playgoers of that steep and wicked settlement.

A RAILROAD TALK.

Mr. S. T. Gage was to have spoken last night in presence of the Legislature upon the railway question; but there were so many important committees in session that it was thought best to postpone the meeting until tonight. He will, therefore, address the Senate and Assembly this evening at 7:30 o'clock, in Assembly Chamber.

CHOICE MEATS.

The housekeeper, the hotel keeper, the chophouse man will always find the very best cuts and roasts at Neth & Neth's, the proprietors of the Stone Market. Go and see Martin whenever you want to secure a first-class steak, chop or joint. See their adv.

SERIOUS ACCIDENT.—Through a treacherous misstep, caused we do not know how, Hon. Chas. Martin, Deputy Secretary of State, was precipitated down the stairway leading to the second story of the Capital last evening and fell over the bannister to the floor below, sustaining a terrible fall which made him quite senseless for a considerable space of time. Dr. Waters, who was called to attend him, says that he can not determine at present if the skull is fractured. Mr. Martin received a severe contusion over the eye; and the fear that his skull is broken is caused by a big lump on the back part of his head. We hope to hear that the injuries received are more ugly than serious.

ALWAYS AHEAD.

Instead of waiting for the turn of the season before getting new goods, we take pleasure in informing our patrons that we have just received a Complete New Stock of Dress Goods and exquisite Fancy Goods which we offer at such remarkably low prices that they would induce the most stingy father and husband to dive down for his bottom dollar.

We have received a consignment of One Hundred Cloak with positive instructions to close them out at any price, and we will do it. MRS. J. SHEYER & CO. Carson, January 28, 1879. d30

San Francisco Stock Exchange Sales

MORNING BOARD

Ophir	42 1/2
Mexican	43 1/2
Gould & Curry	15 1/2
Best & Belcher	22 1/2
California	68 1/2
Consolidated Virginia	5 1/2
Chollar Potosi	47
Hale & Norcross	16 1/2
Crown Point	31 1/2
Yellow Jacket	21 1/2
Savage	13 1/2
Alpha	20 1/2
Belcher	6 1/2
Confidence	14 1/2
Imperial	1 3/4
Kentuck	5 1/2
Sierra Nevada	51 1/2
Utah	18 1/2
Bullion	7 1/2
Exchequer	6 1/2
Seg. Belcher	27
Overman	10 1/2
Justice	4 1/2
Success	5 1/2
Union Consolidated	81 1/2
Alta	6 1/2
Lady Bryan	1 7/8
Julia	5 1/2
Caledonia	2 1/2
Phil Sheridan	40 1/2
Challenge	3 1/2
Silver Hill	2
Sutro	20 1/2
New York Cons.	65 1/2
St. Louis	50 1/2
Leviathan	50 1/2
Andes	50 1/2
North Con. Virginia	13 1/2
Lacy Washington	1 7/8
Benton	4 1/2
Flowers	3 1/2
W. Fargo	1 1/2
Solid Silver	60 1/2
N. Bonanza	2 1/2
Ward	1 1/2
Scorpion	13 1/2
Railroad	10 1/2
Kosuth	20 1/2
Mackay	3 1/2
Douglas	60 1/2
Plumas	1 1/2
Dardanelles	3 1/2

EVENING BOARD.

Raymond & Ely	6
Eureka Cons.	27 1/2
Jackson	7
Northern Belle	9 1/2
Highbridge	70 1/2
B. Isle	30 1/2
Grand	4 1/2
Belmont	50 1/2
Manhattan	2 60
Argenta	95 1/2
Mon.	2
Bodie	7
Navajo	20 1/2
Bulwer	19 1/2
Paradise	2 1/2
Hussey	25 1/2
Hillside	2 1/2
Pacific	2
Bechtel	50 1/2
Dudley	60 1/2
Tioga	1 50
Goldwash	50 1/2
G. Terrace	9
Tiptop	1
Day	30 1/2
M. White	6
McClintock	75 1/2
Star	70 1/2
Summit	2 2 1/2
Endowment	10 1/2
Independence	13 1/2
Belvidere	60 1/2
Booker	45 1/2
Silver King	10

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For Nice Little Things Not to Be Found Elsewhere

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A general assortment of the best staple and choice groceries. PRICES TO SUIT THE TIMES. JOHN E. CHENEY, Adams Block, Carson street, corner of Telegraph, January 8, 1878.

SHANE'S SALOON.

(Formerly Magee's.) Carson street, opposite the Capitol, Carson City Nevada.